

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSE LOPEZ,**

**Petitioner,**

**v.**

**SUPERINTENDENT, SCI ALBION, *et al.*,**

**Respondents.**

**CIVIL ACTION NO. 17-3952**

**ORDER**

**AND NOW**, this 28th day of April 2021, upon careful and independent consideration of the Petition for Writ of Habeas Corpus and all related filings; and upon review of the Report and Recommendation (“R&R”) of United States Magistrate Judge Lynne A. Sitarski and the objections thereto; and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that:

1. The Clerk is directed to **REMOVE** the case from Civil Suspense;
2. The objections are **OVERRULED**;
3. The Report and Recommendation is **APPROVED** and **ADOPTED**;
4. The Petition for Writ of Habeas Corpus is **DISMISSED with prejudice and without an evidentiary hearing**;

5. A certificate of appealability **WILL NOT ISSUE** as there is no basis for concluding that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further;”<sup>1</sup> and

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<sup>1</sup> *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal citation and quotation omitted).

6. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**